

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 11/03/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0110 - Bouldin Meadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Barton Skyway at the Union Pacific Railroad (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Applicant: Forest Cove Ltd. Agent: John Hussey. City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0110; Bouldin Meadows

Z.A.P. Date: September 20, 2005
September 6, 2005

ADDRESS: Barton Skyway at the Union Pacific Railroad

OWNER/APPLICANT: Forest Cove Ltd.

AGENT: John Hussey

ZONING FROM: CS

TO: SF-3

AREA: 1.522 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of Family Residence (SF-3) district zoning.

PLANNING COMMISSION RECOMMENDATION:

September 6, 2005: Postponed to September 20, 2005, at the request of the neighborhood.

September 20, 2005: *APPROVED SF-3 BY CONSENT. [J.M; J.D 2ND] (9-0)*

DEPARTMENT COMMENTS:

Staff recommends approval of the request from General Commercial Services (CS) to Family Residence (SF-3) district base zoning.

The site lies largely between other single family uses. However, it's proximity to the railroad track and floodplain do raise concerns, which may have to be resolved at the time of site plan, about the viability of single family homes on this site.

Staff's recommendation is based, in part, on the understanding that this site could be developed as part of a large development in conjunction with the property to the south, owned by the same owner. That site plan, case C8-05-0085, is currently under review.

Several issues will have to be addressed during site plan approval for this site. Chief among them is the flood plain. Although only a portion of the site is located within the flood plain, it is largely cut off from by the 100 year flood plain. Watershed Protection staff have recommended the construction of a bridge to provide safe access without impeding storm flow.

Discussions have also take place, preliminary to the Galindo Neighborhood Plan, between city staff and neighborhood representatives, about how this and several other nearby properties best fit into the overall vision for the Galindo neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Undeveloped
<i>North</i>	CS	Mobile Homes
<i>South</i>	SF-3	Undeveloped
<i>East</i>	SF-3	Single Family Homes
<i>West</i>	SF-3	Single Family Homes

AREA STUDY: The property lies within the Galindo Neighborhood Planning Area, which will begin neighborhood planning this fall.

TIA: N/A

WATERSHED: West Bouldin **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Galindo Neighborhood Association
- South Lamar Neighborhood Association
- Terrell Lane Interceptor Association
- South Central Coalition
- Austin Neighborhoods Council
- Austin Independent School District

SCHOOLS: (AISD)

Dawson Elementary School Fulmore Middle School Travis High School

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Barton Skyway	90'	45'	Collector

- There are existing sidewalks along Barton Skyway.
- Barton Skyway is classified in the Bicycle Plan as a Priority 1 bike route.
- Capital Metro bus service is available along Barton Skyway.

CITY COUNCIL DATE:

ACTION:

October 20, 2005

Postponed to November 3, 2005

November 3, 2005

ORDINANCE READINGS:

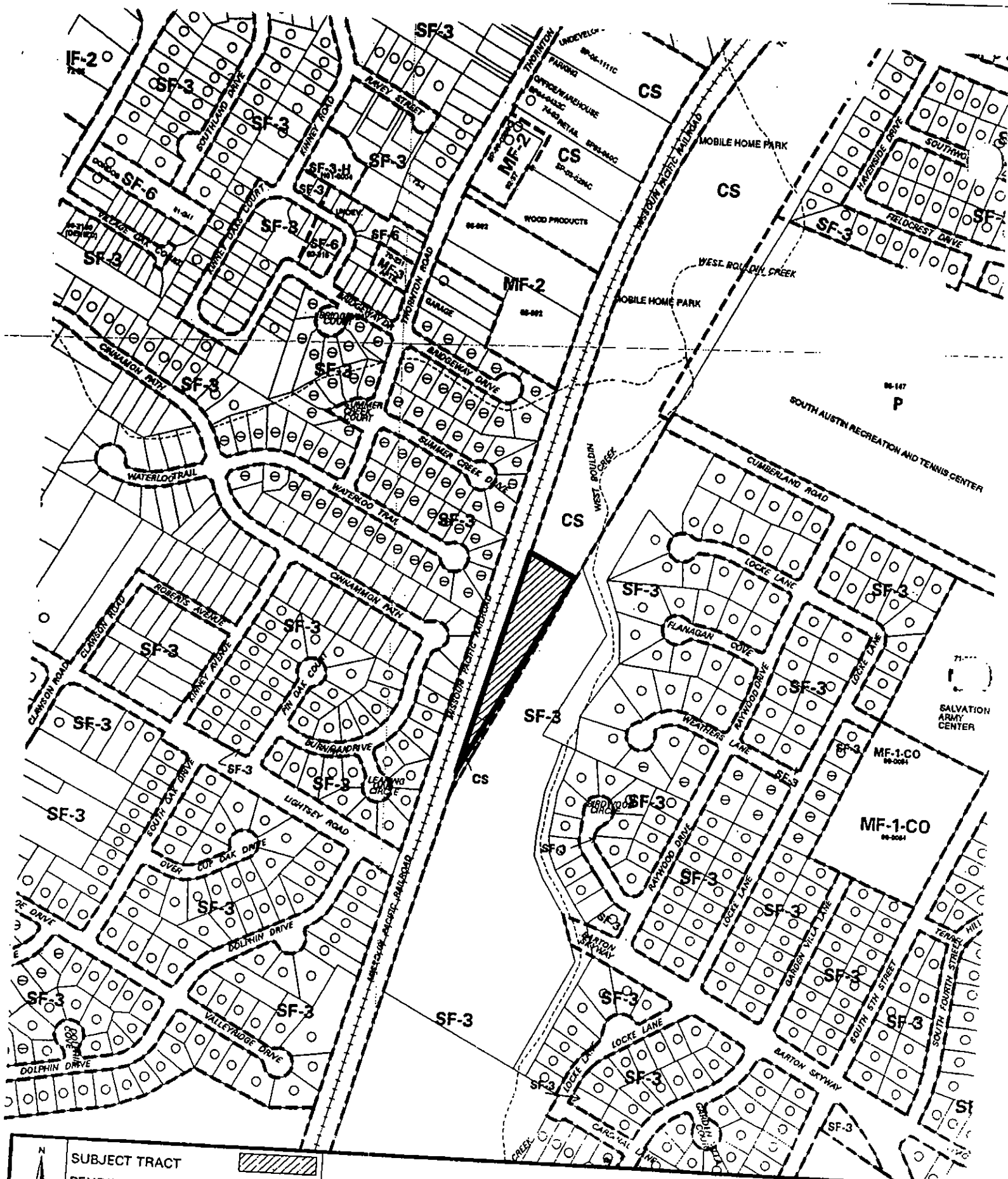
2nd





3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330



 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-05-0110 ADDRESS: BARTON SKWY AT UNION PACIFIC RD SUBJECT AREA (acres): 1.522 INTL: SM	CITY GRID REFERENCE NUMBER G20
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: R. HEIL			
DATE: 05-07				



S 8TH ST

72

JOENVILLE LN

BAIRD LN

WEATHERS LN

4TH

RAYWOOD DR

BIRDWOOD CIR

FLANAGAN CV
1500 year floodplain

100 year floodplain

CUMBERLAND RD

SUMMER CREEK DR

WATERLOO TR

CINNAMON PATH

BURNING OAK DR

LEANING OAK

LIGHTSEY RD

DOLPHIN DR

PIN OAK CT

KINNEY AVE

ROBERTS AVE

CLAWSON RD

SOUTH OAK DR

OVERCUP OAK DR

KINNEY OAKS CT

THORNTON

SUMMARY STAFF RECOMMENDATION

C14-05-0110

Staff recommends approval of Family Residence zoning (SF-3)

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The site lies largely between other single family uses. However, it's proximity to the railroad track and floodplain do raise concerns, which may have to be resolved at the time of site plan, about the viability of single family homes on this site. Staff's recommendation is based, in part, on the understanding that this site could be developed as part of a large development with property to the south.

EXISTING CONDITIONS

Several issues will have to be addressed during site plan approval for this site. Chief among them is the flood plain. Although only a portion of the site is located within the flood plain, it is largely cut off from by the 100 year flood plain. Watershed Protection staff have recommended the construction of a bridge to provide safe access without impeding storm flow.

Site Plan

The property in question is likely to be developed in conjunction with the property to the south, owned by the same owner. This site plan, case C8-05-0085, is currently under review.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be > trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

There are existing sidewalks along Barton Skyway.

Barton Skyway is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service is available along Barton Skyway.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Barton Skyway	90'	45'	Collector

Emily Barron 974-2788

Water and Wastewater

The landowner intends to serve the site, each lot, and proposed land use with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, system upgrades, utility relocation and adjustments. The water and wastewater utility plan must be reviewed and approved by the Austin Water and Wastewater Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

Paul Urbanek 974-3017

Environmental

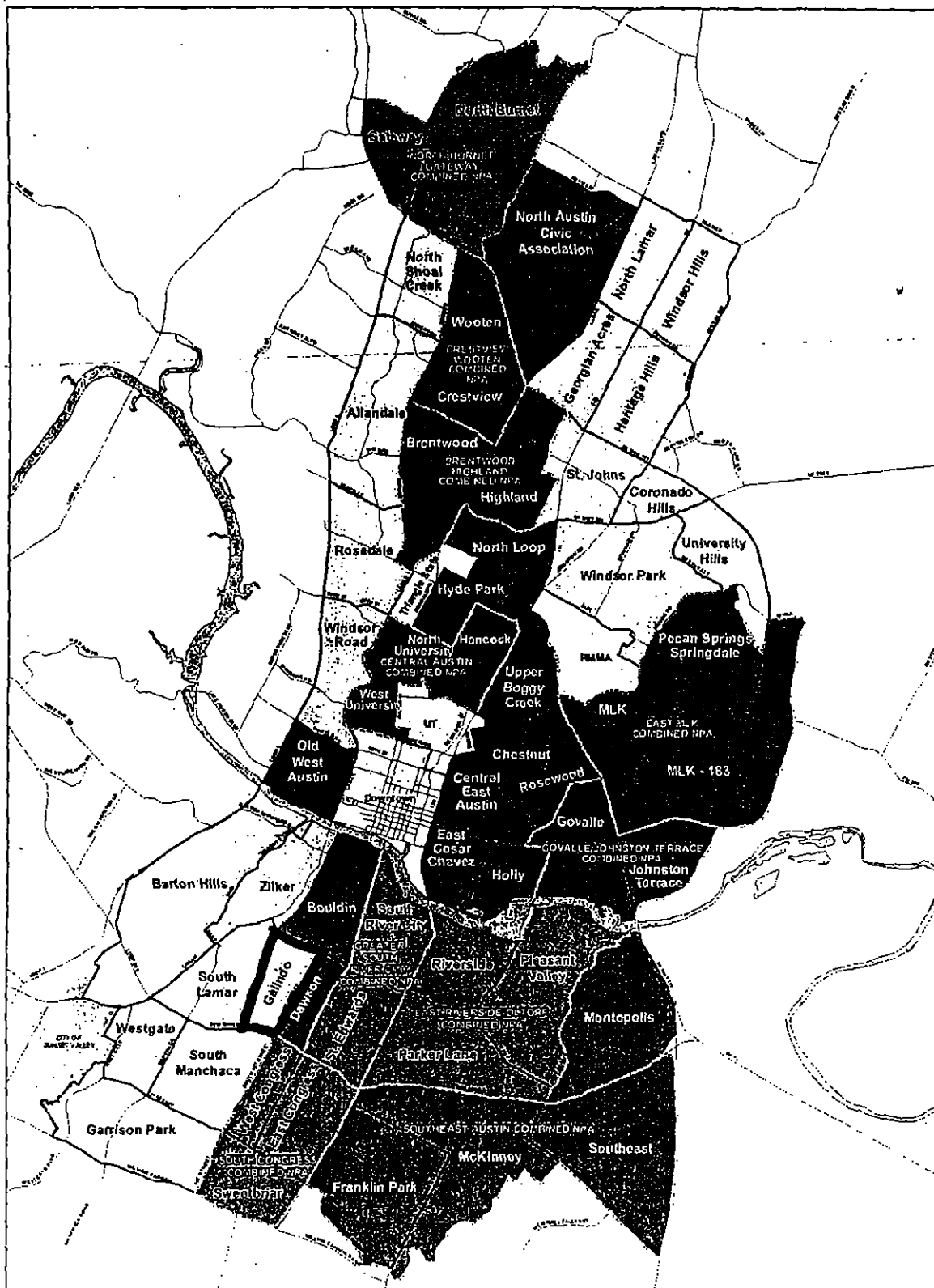
The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is flood plain and critical water quality zone within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.



City of Austin Neighborhood Planning Areas



Produced by City of Austin
Neighborhood Planning & Zoning Department
September 2000

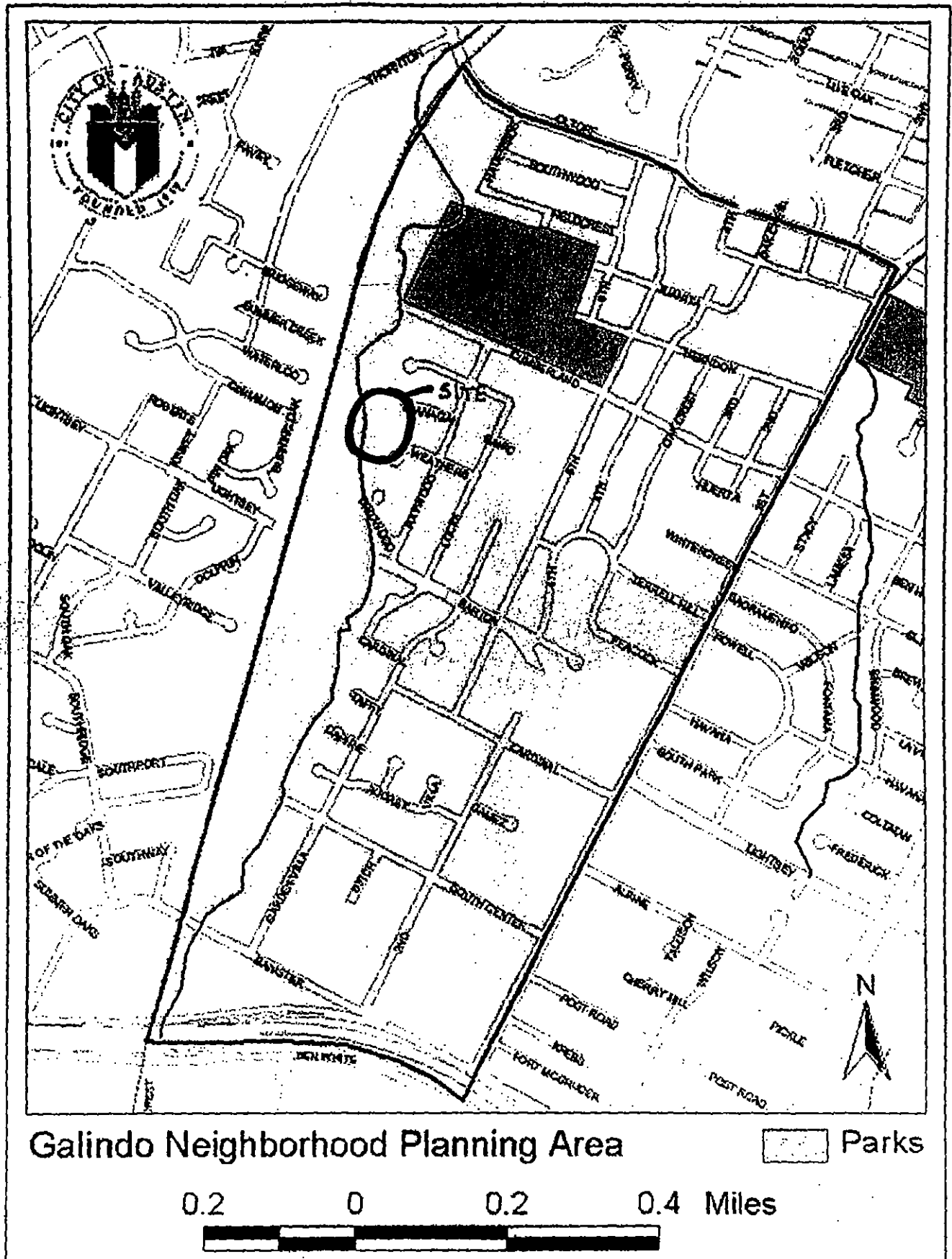
Combined Neighborhood
Planning Areas

Neighborhood Plan Status

- Adopted Neighborhood Plan & Zoning
- Neighborhood Plan Underway
- Future Neighborhood Planning Area
- Non-Neighborhood Planning Area

5,100 2,550 0 5,100 10,200 Feet

This map has been produced by the City of Austin for the
sole purpose of showing neighborhood planning and is not
warranted for other uses. No warranty is made regarding
accuracy or interpretation.
Map 100-Neighborhood Planning Areas, 9/2000



Closed Caption Log, Council Meeting, 10/20/05

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at (512) 974-2210.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. SO MS. GLASGO, I HAD PULLED ITEM Z-6 OFF THE CONSENT AGENDA BECAUSE A FEW PEOPLE HAD SIGNED UP EITHER NEUTRAL OR IN OPPOSITION. SO WHY DON'T WE TAKE UP THAT ONE FIRST.

YES, MAYOR. WE WILL PROCEED TO ITEM NUMBER Z-6. IT IS CASE C-14-05-0110. THE PROPERTY IS LOCATED GENERALLY ALONG BARTON SKYWAY AT THE UNION PACIFIC RAILROAD, AND THE MAP IN FRONT OF YOU SHOWS YOU THE SUBJECT TRACT. IT'S TRIANGULAR IN SHAPE. AND AS YOU CAN SEE, IT'S ADJACENT TO A RAILROAD TRACK. THERE IS CS ZONING TO THE NORTH, SF-3, A SINGLE-FAMILY SUBDIVISION THAT IS ZONED TO THE SOUTH OF THE SUBJECT TRACT. AND MY UNDERSTANDING THAT WHAT THE DEVELOPER WOULD LIKE TO DO IS CHANGE THE ZONING SO THAT THIS PROPERTY CAN BE DEVELOPED JOINTLY WITH THE REMAINING PROPERTY THAT IS TO BE RESIDENTIAL. AND COUNCILMEMBER DUNKERLEY ASKED THAT WE PROVIDE SOME INFORMATION REGARDING WHAT IS OCCURRING WITH THE FLOODPLAIN AND DRAINAGE. WE DO HAVE AN APPLICATION THAT HAS BEEN FILED WITH WATERSHED PROTECTION AND DEVELOPMENT REVIEW THAT LOOKING AT ALL THOSE ASPECTS AND WE CAN CERTAINLY BRING THAT BACK TO YOU LATER ON ONCE WE ASSESS WHAT THE REVIEW OF THAT PROJECT HAS BROUGHT UP SO FAR. WE DON'T HAVE IT BECAUSE IT'S STILL UNDER REVIEW. BUT AGAIN, THE CHANGE IS TO ALLOW FOR RESIDENTIAL DEVELOPMENT TO OCCUR TO -- OR RATHER TO COMBINE THIS PARTICULAR TRACT WITH THE REMAINDER OF THE SITE SO THAT IT CAN BE PLANNED - - PLATTED COHESIVELY WITH THE REMAINDER OF THE RESIDENTIAL DEVELOPMENT. AND STAFF RECOMMENDS THE CHANGE IN ZONING, AND THE COMMISSION RECOMMENDED THE CHANGE TOO. ISSUES THAT MIGHT PERTAIN TO FLOODING OR DRAINAGE WOULD CERTAINLY BE ADDRESSED AT THE TIME OF SUBDIVISION AND/OR SITE PLANNING, DEPENDING ON TYPE OF DEVELOPMENT THAT'S PURSUED. SO TODAY WE'RE JUST LOOKING AT THE APPROPRIATENESS OF THE ZONING AND THEN ALL THE OTHER ISSUES WILL BE ADDRESSED THROUGH THE PERMITTING PROCESS WHERE STAFF DOES A THOROUGH REVIEW AND ANALYSES OF ALL THE OTHER DEVELOPMENT ASPECTS. I WILL PAUSE HERE AND RESPOND TO QUESTIONS AFTER CITIZENS HAVE SPOKEN. THANK YOU, COUNCILMEMBERS.

Mayor Wynn: THANK YOU, MS. GLASGO. AND AGAIN, PERHAPS THE APPLICANT WASN'T PREPARED FOR A PRESENTATION KNOWING THAT I GUESS THE PROPOSAL WAS FOR CONSENT AGENDA, BUT IF THE APPLICANT IS HERE, WE WOULD NORMALLY HAVE THE FIVE-MINUTE APPLICANT PRESENTATION, SO PLEASE COME FORWARD. THANK YOU. AND MY INSTINCT IS THAT SEVERAL COMMENTS WE'LL HEAR FROM OUR CITIZENS ARE SOMEWHAT NEUTRAL OF NATURE, BUT THEY WANTED TO MAKE SURE THEY WERE HEARD AT A PUBLIC HEARING. SO WELCOME. AND YOU WILL HAVE FIVE MINUTES IF YOU NEED IT.

HI. AND GOOD EVENING. MY NAME IS BOBBY JOE CORNELIUS AND I'M THE OWNER OF SITE SPECIFICS. WE'RE HERE TONIGHT REPRESENTING THE LANDOWNER ON THIS ZONING CASE, WHICH IS APPROXIMATELY 1.59 ACRES. WE HAVE BEEN MEETING WITH THE NEIGHBORHOOD. WE'VE HAD TWO MEETINGS AT THE NEIGHBORHOOD AND HAVE EXPLAINED THE MASTER PLAN TO THE NEIGHBORHOOD AND WITH THE ISSUES THAT HAVE ARISE EN. WE HAVE THE PRELIMINARY PLAN IN PROCESS WITH THE CITY RIGHT NOW, AND IT'S BEING SHOWN ON THE OVERHEAD. WE HAVE 56 SINGLE-FAMILY HOMES ON 14 ACRES AND IT JUST HAPPENED THAT THIS LITTLE SLIVER WAS STILL ZONED CS. SO WHEN THEY TURNED IN THE PRELIMINARY PLAN, STAFF CAME IN AND SAID YOU NEED TO REZONE THAT SLIVER BEFORE YOU CAN DO YOUR FULL DEVELOPMENT. SO THE PRELIMINARY PLAN HAS BEEN PUT ON HOLD, WE'VE ADDRESSED THE STAFF COMMENTS AND ARE WAITING ON THE ZONING CASE AT THIS TIME. THE FLOODPLAIN STUDY WAS DONE AND IT WAS SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. AND I BELIEVE THERE HASN'T BEEN ANY ISSUES. IT ACTUALLY CHANGES THE BOUNDARY OF THE FLOODPLAIN DUE TO THE FACT THAT THEY WENT OUT AND SURVEYED IT AND DID ALL THEIR ENGINEERING STUDIES.

Mayor Wynn: THANK YOU, MS. CORNELIUS. QUESTIONS OF THE APPLICANT, COUNCIL? THANK YOU. SO AT THIS TIME WE'LL HEAR FROM A HANDFUL OF FOLKS WHO WOULD LIKE TO ADDRESS US IN THIS CASE. WE NORMALLY WOULD HEAR FROM FOLKS IN FAVOR OF THE ZONING CASE AND THEN REBUTTAL. SARAH STRATTON HAD SIGNED UP TO SPEAK IF WE HAD QUESTIONS. LORRAINE ADDERTON SIGNED UP IN OPPOSITION, BUT NOT WISHING TO SPEAK. CATHERINE CALSEO. WELCOME BACK. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY IT LOOKS LIKE CHRISTIAN FRAGE. SORRY IF I'M MISPRONOUNCING THAT.

HELLO? HI, COUNCIL. I'M CATHERINE, REPRESENTING THE NEIGHBORHOOD AND ALSO THE SOUTH LAMAR NEIGHBORHOOD BECAUSE A LOT OF PEOPLE COULDN'T BE HERE TODAY BECAUSE THEY'RE PREPARING FOR THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION MEETING LATER TODAY. WE'RE NOT SIGNED UP AS OPPOSED BECAUSE IT'S A DOWN ZONING AND THEORETICALLY A NEIGHBORHOOD WOULDN'T BE OPPOSED TO THAT. WE ARE OPPOSED TO CONTINUING A PROCESS THAT WOULD ALLOW THEM TO GET THE SUBDIVISION PLAN APPROVED WHEN THE FLOODPLAIN THAT THEY BASE IT ON WE BELIEVE TO BE INCORRECT. AND THIS SHOWS THE EXISTING FLOODPLAIN IN

PINK AND THE PROPOSED FLOODPLAIN IN THE BLUE LINES. EVERYTHING THAT WE'VE BEEN HEARING FROM THE NEIGHBORS THAT LIVE AROUND THIS AREA ON THE OTHER SIDE WHO ACTUALLY CAME OVER AND LOOKED AT THIS SITE, AND THERE'S SOMEONE HERE TO SPEAK TO THAT, AND ALSO PEOPLE WHO LIVE RIGHT HERE AS WELL SAY THAT THIS IS NOT WHAT'S BEEN OBSERVED. I GUESS MAYBE IF IT WOULD BE POSSIBLE TO ASK FOR A POSTPONEMENT ON THIS ISSUE UNTIL THE FLOODPLAIN -- THE CITY FLOODPLAIN AND COUNTY FLOODPLAIN REDRAWING IS FINISHED, WHICH WOULD BE AT THE END OF JANUARY, I BELIEVE, OR FEBRUARY, SOMETHING LIKE THAT. THERE ARE QUITE A FEW PEOPLE WHO HAVE OBSERVED FLOODPLAIN UP IN HERE AND AS WELL AND SOME OF THESE OTHER AREAS, ESPECIALLY RIGHT IN HERE. THERE'S A WOMAN -- I HAVE A LETTER HERE FROM HER -- AND SHE SAYS THAT SHE HAS OBSERVED FLOODING UP INTO THE AREA WHERE THE BRIDGE IS GOING TO BE PLACED. AND THESE ARE SOME PHOTOS THAT SHE SENT, ALTHOUGH I DON'T KNOW HOW WELL YOU'RE GOING TO BE ABLE TO SEE THESE. SO THIS SITE KIND OF IS A BIG - - THIS WHOLE SITE AS A WHOLE, OF WHICH THIS PARCEL IS GOING TO BE REZONED, IS A BIG CONCERN TO EVERYONE. THESE PICTURES WERE TAKEN FROM THIS HOUSE RIGHT HERE. 3102 BIRDWOOD CIRCLE, WHICH WOULD BE LOT 17. SO I DON'T KNOW WHAT COUNCIL WOULD AGREE TO OR NOT AGREE TO, BUT THE NEIGHBORHOODS WOULD APPRECIATE A POSTPONEMENT UNTIL THE END OF JANUARY OR FEBRUARY WHEN THE NEW FLOODPLAIN HAS BEEN APPROVED BY FEMA.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? AFTER WE GO THROUGH THE SPEAKERS, I'LL ASK FOR SOME QUESTIONS OF STAFF AND WE'LL UNDERSTAND THE TIMING OF THE FLOODPLAIN STUDIES AND OTHERS. THANK YOU. IT LOOKS LIKE CHRISTIAN KRAGE. HOW CLOSE WAS THAT? WELCOME. YOU WILL HAVE THREE MINUTES.

HI. THANK YOU VERY MUCH. IN CHRISTIAN (INDISCERNIBLE). I LIVE IN THE SOUTH LAMAR NEIGHBORHOOD JUST ACROSS THE RAILROAD TRACTS JUST ACROSS FROM THIS PROPOSED PARCEL OF LAND AND I HAVE CONCERNS ABOUT THE FLOODPLAIN ISSUES IN THIS TRACT THAT IS TO BE DEVELOPED. I HAVE OBSERVED SIGNIFICANT FLOODING IN THE AREA WHERE THE -- WHERE IF THE REVISED FLOODPLAIN WERE TO BE ADOPTED WOULD BE REMOVED FROM THE FLOODPLAIN, I DO TEND TO SEE THAT FLOODED. MY NEIGHBORS ON THE OTHER SIDE OF THE RAILROAD TRACK RIGHT UP AGAINST THIS PARCEL OF LAND DO ALSO FLOOD ON A REGULAR BASIS, AND THE NEIGHBORS AND I ARE FAIRLY CONCERNED ABOUT FLOODING IN THIS AREA. THANK YOU.

Mayor Wynn: THANK YOU. COUNCIL, THAT'S ALL THE FOLKS WHO HAVE SIGNED UP ON THIS CASE. I'M NOT SURE IF MS. CORNELIUS, PERHAPS IF YOU COULD COME BACK AND... THERE WOULD NORMALLY BE REBUTTAL, ALTHOUGH THE COMMENTS WE'RE HEARING ARE ABOUT THE FLOODPLAIN. WHAT CAN YOU TELL US ABOUT THE FLOODPLAIN MODEL, THE TIMING OF ANY STUDIES THAT YOU'RE AWARE OF?

WELL, FIRST OFF, THIS 1.5 ACRES IS NOT IN THE FLOODPLAIN THAT WE'RE HERE TONIGHT TO ZONE. THE MODEL THAT'S DONE BY ENGINEERS AND ALL THE SURVEY WORK THAT'S BEEN DONE AND SUBMITTED TO THE CITY, AND THAT'S ALREADY GONE TO FEMA FOR A MAP REVIG. SO THAT MAP REVISION IS BASED ON THE STUDY THAT OUR ENGINEERS PROVIDED. AND THE PRELIMINARY PLAN IS BASED ON THAT SAME STUDY, SO I DON'T SEE HOW HOLDING THIS ZONING CASE UP WOULD DO ANYTHING AS FAR AS AMENDING THE FLOODPLAIN BECAUSE THE PEOPLE THAT ARE HAVING TROUBLE IN THEIR BACKYARDS THAT ARE UP AGAINST THE RAILROAD TRACKS ARE ON THE UPSTREAM SIDE OF THE RAILROAD TRACKS. WE'RE ON THE OTHER SIDE OF THE RAILROAD TRACKS. AND WHAT WE'RE DOING, WE'RE NOT ALTERING THE FLOODPLAIN, WE'RE NOT BUILDING IN THE FLOODPLAIN, WE'RE BRIDGING OVER IT FOR ACCESS ONLY. SO WE WILL NOT BE ALTERING AT ALL WITH OUR PLAN. WE'RE NOT ASKING FOR AN ALTERATION WITH THIS PLAN.

Mayor Wynn: MS. GLASGO, IS THERE SOME DEVELOPMENT REVIEW STAFF HERE OR SOMEBODY FROM WATERSHED PROTECTION THAT CAN HELP US UNDERSTAND SOME OF THIS?

I CAN RESPOND. THE PLAN THAT HAS BEEN PRESENTED FOR REVIEW, THE PRELIMINARY PLAN, IT GOES IN TWO STAGES. WHEN YOU'RE INTRODUCING STREETS IN AN AREA THIS LARGE, YOU'RE REQUIRED TO SUBMIT WHAT'S CALLED A PRELIMINARY SUBDIVISION PLAN. AND THEN THAT'S THE PLAN THAT ALL THE FINAL PLATS ARE KEYED OFF FOR SALE OR FOR PURCHASE. HOMES CAN BE BUILT AND PEOPLE CAN SELL LOTS UNTIL YOU -- CAN'T BE BALT AND PEOPLE CANNOT SELL LOTS UNTIL ALL THE KEY ELEMENTS OF THE CODE HAVE BEEN ADDRESSED. AND THEN -- I THINK TWO MICROPHONES ARE ON. I HEAR AN ECHO. SORRY ABOUT THAT. BUT THAT PROCESS THEN ALLOWS THE SECOND STAGE TO INCLUDE WHATEVER REVISION FEMA IS GOING TO BE MAKING, SO THE ZONING AND PLATTING COMMISSION OUR PLANNING COMMISSION, DEPENDING ON WHICH BODY HAS JURISDICTION, WOULD THEN APPROVE THE PRELIMINARY PLAN AS APPLIES WITH ALL APPLICABLE REGULATIONS. AND THEN WHEN THE FINAL PLAT COMES IN, THAT WILL REFLECT WHATEVER FEMA HAS APPROVED WHENEVER THAT OCCURS WITH THE REVISION. WHAT APPEARS OBVIOUSLY HERE IS WE HAVE A ZONING CASE AND THE RESIDENTS ARE USING THIS PROBABLY AS A TOOL TO ENSURE THAT THEY ARE HEARD BECAUSE SUBDIVISIONS DO NOT COME TO THE CITY COUNCIL. ONCE THE COMMISSION APPROVES THEM, THEN THEY'RE CONCLUDED AT THAT STAGE. WHAT I WAS GOING TO SUGGEST POSSIBLY IS MAYBE A WEEK OR TWO POSTPONEMENT TO PROBABLY JUST GET EVERYBODY TOGETHER SO WE CAN FACILITATE A MEETING WITH THE ENGINEER, THE RESIDENTS, AND THEN WE JUST COMMENCE A NEIGHBORHOOD PLANNING PROCESS FOR THE SOUTH RIVER CITY, AND THEY'RE PROBABLY JUST REALIZING THAT THERE'S AN OPPORTUNITY HERE TO HAVE A DIALOGUE. SO THAT'S WHAT I WOULD RECOMMEND THAT MAYBE THEY CAN ALL HEAR FROM THE REVIEW STAFF TO

GIVE THEM AN UNDERSTANDING OF WHERE THE PROBLEMS ARE OR WHERE THE PROBLEMS DON'T EXIST AND PROBABLY GIVE THEM CRED

Dunkerley: BECAUSE THESE EVENT OCCURRED AT THE SAME TIME, THE ENGINEERING IDENTIFIED FLOODPLAIN ISSUES THAT WILL GO INTO FEMA, AND I THINK IN MANY PEOPLE'S MINDS THIS DEVELOPMENT IS AFFECTING THAT FLOODPLAIN IN SOME WAY. MY QUESTION IS HAD THEY NOT COME IN FOR ZONING AND IF SOMEBODY ELSE HAD JUST COME ALONG AND INDEPENDENTLY AT OUR REQUEST STUDIED THERE, WOULD IT HAVE SHOWN THE SAME THING? IN OTHER WORDS, THERE ARE SOME PEOPLE THAT DIDN'T KNOW OR WEREN'T IN THE FLOODPLAIN, AND AFTER THIS STUDY THEY ARE IN THE FLOODPLAIN. SO IN SOME MINDS IT MAY BE THAT THEY THINK THE PARTICULAR DEVELOPMENT IS CAUSING THAT CHANGE. SO WHAT I'M ASKING, IS IT INDEPENDENT OF THAT DEVELOPMENT.

WHAT IS INDEPENDENT OF THAT DEVELOPMENT?

Dunkerley: IF YOU DIDN'T HAVE A DEVELOPMENT OUT THERE AND YOU SENT AN ENGINEER OUT THERE TO DO A STUDY, WOULD THEY HAVE COME BACK AND SHOWN THE FLOODPLAIN EXACTLY AS THIS STUDY DOES? EVEN THOUGH THERE WAS NOT A DEVELOPMENT GOING IN ON THE OTHER SIDE OF THE ROAD?

I DON'T KNOW THE DETAILS GOING ON HERE. I KNOW TYPICALLY FLOODPLAINS CAN BE MODIFIED AND THAT REQUIRES A PROCESS TO DO THAT. BUT IT SOUNDS LIKE THERE IS CONFUSION WHETHER SOME PROPERTIES WERE ALREADY IN THE FLOODPLAIN AND PROBABLY SOME FOLKS WEREN'T AWARE OF THAT. AND I THINK A MEETING WOULD HELP TO HELP MAP THE FLOODPLAIN AS IT EXISTS TODAY BEFORE THE STUDY AND THEN LOOK AT WHAT THE STUDY HAS DETERMINED AND COMPARE THOSE TWO AND THEN PEOPLE CAN GET A BETTER UNDERSTANDING.

Dunkerley: THAT'S EXACTLY WHAT I WOULD LIKE YOU TO DO IF YOU COULD BECAUSE IT IS REALLY CONFUSING TO A LOT OF PEOPLE. AND THEY MAY HAVE ALREADY BEEN IN THE FLOODPLAIN AND NOT KNOWN IT OR THIS MAY HAVE IDENTIFIED SOME CHANGES THAT OCCURRED INDEPENDENTLY OF THIS DEVELOPMENT, THEY WOULD HAVE PUT THEM IN THE FLOODPLAIN ANYWAY.

CORRECT. AND SOMETIMES CHANGES OCCUR OVER TIME. WHEN A STUDY IS CONNECTED IT BRINGS TO LIGHT EITHER SOME OF THOSE INADEQUACIES OR ERRORS THAT WERE DONE IN THE PAST OR IT BRINGS TO LIGHT THINGS THAT MIGHT NEED TO BE CORRECTED. I THINK A POSTPONEMENT OF A WEEK OR TWO MIGHT HELP EVERYBODY UNDERSTAND WHAT THERE BEFORE AND WHAT IS PROPOSED TO MAKE SURE THAT EVERYBODY IS CLEAR ABOUT ALL THOSE ELEMENTS.

Dunkerley: AND YOU'RE ONLY RECOMMENDING FIRST READING TODAY.

IT WILL ONLY BE FIRST READING TODAY, BUT IT COUNCIL'S PREROGATIVE IF YOU WANT TO POSTPONE OR DO FIRST READING ONLY PENDING A MEETING THAT EXPLAINS TO EVERYBODY WHAT IS THERE VERSUS THE BEFORE AND AFTER, IF YOU WILL.

Leffingwell: I THINK WE NEED SOME TECHNICAL EXPERTISE ON THIS. IT'S MY HAZY UNDERSTANDING THAT WHEN THEY CALCULATE A FLOODPLAIN, THEY DON'T REALLY FIGURE WHAT IS ACTUALLY BUILT THERE, BUT THEY FIGURE WHAT COULD BE BUILT UNDER THE CURRENT ZONING. SO CURRENTLY THIS IS COMMERCIAL ZONE, WHICH WOULD HAVE MORE DENSITY. THE SF ZONING WOULD HAVE LESS DENSITY.

SO IT WOULD FOLLOW WHATEVER THE FLOODPLAIN WAS CHANGED TO, IT WOULD HAVE A SMALLER PROFILE THAN IT WOULD IF THE ZONING REMAINED COMMERCIAL. I WOULD LIKE TO HAVE THE EXPERTS VERIFY ALL THAT, AND SO I THINK COUNCILMEMBER DUNKERLEY'S SUGGESTION TO ASK FOR A POSTPONEMENT FOR A WEEK TO GET SOMEONE IN HERE WHO CAN TESTIFY TO THIS, I THINK THAT'S A GOOD SUGGESTION.

I WOULD RECOMMEND THAT YOU POSTPONE FOR TWO WEEKS TO GIVE US ENOUGH TIME TO GET THE TECHNICAL STAFF, THE ENGINEERS FROM CITY STAFF AND THE DEVELOPER'S ENGINEER TO GET THE RESIDENTS TOGETHER, BECAUSE THAT'S THE KEY, THEY NEED TO BE ABLE TO UNDERSTAND WHAT THE CURRENT SITUATION IS AND THEN SHOW THEM WHAT THE PROPOSED SITUATION IT. AND THEN COME BACK TO COUNCIL WITH A REPORT ON THAT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? HEARING NONE, I'LL ENTERTAIN A MOTION ON ITEM Z-6.

Thomas: MOVE FOR POSTPONEMENT UNTIL NOVEMBER THE THIRD.

Mayor Wynn: THERE'S A MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER LEFFINGWELL TO POSTPONE UNTIL Z-6 AND IF NEED BE TO CONDUCT A PUBLIC HEARING AGAIN ON NOVEMBER THIRD, 2005. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.